

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DAVID GERALD PETRUS,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-06-00140
	§	
DOUG DRETKE,	§	
	§	
Respondent.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
ON RESPONDENT'S MOTION FOR SUMMARY JUDGMENT
AND PETITIONER'S MOTION FOR EVIDENTIARY HEARING**

On January 24, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 18) be granted, and that petitioner's petition for writ of habeas corpus be dismissed with prejudice. The Memorandum and Recommendation further recommended that petitioner's request for an evidentiary hearing (D.E. 23, at 2) be denied, and further that petitioner be denied a certificate of appealability. On February 7, 2007, petitioner filed Objections to the Magistrate's Recommendations.

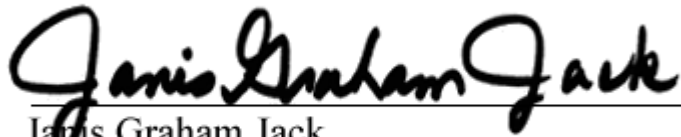
Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, see *Koetting v. Thompson* , 995 F.2d

37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that respondent's motion for summary judgment is granted and petitioner's petition for writ of habeas corpus is dismissed with prejudice. Petitioner's request for an evidentiary hearing is denied. Certificate of appealability is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED this 7th day of February, 2007.


Jarvis Graham Jack
United States District Judge